



PERIODIC REVIEW

**Hendel Property,
aka Snyder Roofing
Facility Site ID#: 26294569**

**20203 Broadway Avenue,
Snohomish, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

May 2010

1.0 INTRODUCTION.....	1
2.0 SUMMARY OF SITE CONDITIONS	2
2.1 Site Description and History	2
2.2 Site Investigations and Sample Results	4
2.3 Cleanup Actions	4
2.4 Cleanup Levels.....	6
2.5 Restrictive Covenant.....	6
3.0 PERIODIC REVIEW.....	8
3.1 Effectiveness of completed cleanup actions	8
3.2 New scientific information for individual hazardous substances for mixtures present at the Site	8
3.3 New applicable state and federal laws for hazardous substances present at the Site	8
3.4 Current and projected Site use	9
3.5 Availability and practicability of higher preference technologies	9
3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels	9
4.0 CONCLUSIONS.....	10
4.1 Next Review.....	10
5.0 REFERENCES.....	11
6.0 APPENDICES.....	12
6.1 Vicinity Map	13
6.2 Site Plan	14
6.3 TPH-Dx Concentration Map.....	15
6.4 Environmental Covenant	16
6.5 Photo log	26

1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the Hendel Property (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup
 - 2. Where the cleanup level is based on a practical quantitation limit
 - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances of mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site Description and History

The 5-acre property is located at the rear (eastern) side of 20203 Broadway in Maltby, Snohomish County, Washington and was at the time the cleanup began vacant and undeveloped. This property may also have had an address of 20209 Broadway. The property is known as Tax Parcel #1-004 and the legal description for the property is the “east half of the north half of the south half of the southwest quarter of the northeast quarter of Section 24, Township 27 North, Range 5 East, West Meridian”.

The property is located in a zoned industrial area within the confines of the Growth Management Act (GMA) boundaries. Properties to the north, south, and west of the property are zoned industrial. Between 1947 and 1985, the property was wooded and undeveloped. The 1993 photograph shows that the property had been cleared of most of the trees and filling was evident. Filling and land disturbance were evident on the upper (western) half of the property. The lower (eastern) half of the property was vegetated. Access to the property was gained from the adjacent property to the west and the adjacent property to the north. Three vehicles that appeared to be tractor trailers were evident on the western side of the property. The 1995 photograph shows that the upper (western) two-thirds of the property appear to be disturbed. Numerous tractor trailers, equipment, and smaller vehicles are present on the western half of the property. The 1997 photograph shows that several piles of material are evident on the upper (western) half of the property. The retention pond at the northeastern corner of the property is now visible.

Nearby sensitive receptors include the following:

- A wetland is located approximately to the 500 feet east and downslope of the subject property. Based on topographic maps, the wetland has no apparent discharge point and as a result, may be a groundwater recharge area.
- A residence and barn were located approximately 750 feet to the southeast of the property. According to the Cross Valley Water District, this residence is serviced by a private groundwater supply well.
- Two residences were located approximately 500 feet to the west of the property. Neither residence was occupied, one was reportedly serviced by a private well, and both properties were slated for commercial development.
- A groundwater supply well is located on the Calvert Industries property to the south of the Site. The location of the well is not known, but it is likely within 500 feet of the Site boundary.
- Several groundwater supply wells operated by the Cross Valley Water District are located approximately 1,000 feet to the west and upslope of the Site.
- The Snohomish River is located approximately 2.75 miles northeast of the property and is the closest significant surface water feature.

Based on available information the Site is underlain by glacial till laid down during the Vashon period of the Fraser Glaciation, late in the Pleistocene Age. The depth to bedrock in the vicinity of the Site is greater than 300 feet.

Based on information the Cross Valley Water District supplied for a public supply well located approximately 1,000 feet to the west of the property, the subsurface consists of silty sands with some gravel to a depth of approximately 220 feet. A green clay and gravel layer is present at a depth of approximately 220 feet, gravels are present at 240 feet, and gray clay was identified at 277 feet. The well extends to a depth of 278 feet and produces approximately 750 gallons per minute.

Site-specific subsurface information is not available beyond the shallow soils that have been characterized as fill and the underlying dense glacial till. It appears that the fill extends to depths of up to approximately 7 feet below ground surface (bgs). The depth to groundwater is approximately 10 feet, based on water level measurements from MW-3, which was completed to a total depth of 24 feet. The total depth of wells MW-1, MW-2, and MW-4 is approximately 10 feet each and the depth to water in the wells is approximately 9.5 feet. It appears that wells MW-1, MW-2, and MW-4, which each contained approximately 6 inches of water but purged dry during recent sampling, are screened above the current water table. Depth to water measurements at the Site suggest an easterly groundwater flow direction that is consistent with topographical conditions. Measurement of the depth to water in wells during wetter periods can be used to better determine groundwater flow direction. On a regional basis, the Snohomish and Sammamish Rivers provide the principal hydrologic influence for the area. It is likely that the property is located near a groundwater divide that separates the Snohomish and Sammamish River basins.

Douglas Hendel, the previous owner of the Snyder Roofing property, voluntarily contacted the Ecology in 1997 about cleaning up some old unpermitted fill and construction debris on his property located in Snohomish County at what was then 20209 Broadway Ave., in Snohomish, Washington (Maltby). Mr. Hendel had inherited the old fill and debris from the former owner, Mr. Harry West, who had placed it there. The fill consisted mainly of construction dirt with pieces of gypsum wall board, 2x4's, general jobsite debris and some chunks of asphalt dumped over the center of the Site in varying depths from 1-6 feet deep. Mr. Hendel retained Environmental Partners, Inc. (EPI) and Cascade Drilling to perform a preliminary investigation of the fill. As a result, a memorandum was prepared for Mr. Hendel by EPI titled "Maltby Property Analytical Results: EPI Project No. 17302.0" dated July 3, 1997. A letter was then prepared by EPI titled "Proposal for a Phase II Environmental Site Assessment, Maltby Property, Maltby, Washington" for Cascade Drilling and dated July 18, 1997. Mr. Hendel then proceeded to hire Nelson-Couvrette & Associates, Inc. (NCA) to prepare a report titled "Preliminary Geotechnical Consultation Services: 5 Acre Fill Site- 20209 Broadway Avenue-Maltby, Snohomish County, Washington, NCA File No. 226898" dated January 27. Then Mr. Hendel retained Alden Environmental Management, Inc. (AEMI) to send a letter to Ecology titled "Hendel Property, Rear of 20209 Broadway, Maltby, Snohomish County, Washington" on July 23, 1998 explaining that they had been hired to investigate the fill on the property and would be preparing a report. AEMI then proceeded to investigate the fill and debris on Site and prepared a

report titled "Investigation Summary, Hendel Property, Maltby, Washington", dated August 17, 1998.

On July 2, 1998, the property was placed in the VCP of the Model Toxics Control Act (MTCA) by Douglas R. Hendel, the owner of the property at the time.

2.2 Site Investigations and Sample Results

The Nelson-Couvrette & Associates (NCA) investigation included the installation of 21 test pits on the property. The test pits were installed to a maximum depth of seven feet. Three fill section transects were established to quantify the volume of fill placed on the property. The NCA investigation determined that 18,000 cubic yards of a conglomerate of fill had been placed on the property. The fill identified was soil that contained roots, gravel, bricks, concrete, wood, and asphalt. The fill was found to overlay dense glacial till deposits and groundwater seeps were encountered in the fill.

Alden Environmental Management, Inc. (Alden, later changed their name to Environmental Resource Management) completed an Environmental Investigation of the undeveloped property located at the rear (eastern side) of 20203 Broadway in Maltby, Snohomish County, Washington. The primary concern at the property was the placement, after 1985, of an estimated 18,000 cubic yards of a conglomerate of fills on the 5-acre property. Based on borings, test pits, and anecdotal reports from nearby property owners and workers, the property was used for the disposal of construction-type debris including wood, concrete, and soils. Prior subsurface investigations had been conducted to both quantify the volume of fill and evaluate potential contamination associated with the fill. Based on both soil and groundwater sampling, it appears that isolated pockets of total petroleum hydrocarbons (TPH) as diesel, gasoline, and oil existed in the fill at concentrations that exceeded the Ecology MTCA Method A industrial/residential soil cleanup standard. The residential and industrial standards for TPH are the same. Additionally, TPH as diesel and oil exist in groundwater at concentrations below the most stringent MTCA Method A cleanup standards.

Bis (2-ethylhexyl) phthalate was present in groundwater. No published MTCA standards have been established for bis (2-ethylhexyl) phthalate, a compound that is present in plastic. However, the compound is present at concentrations above the U.S. Environmental Protection Agency (EPA) Risk-Based Concentrations (RBCs) for tap water. Because the near surface groundwater is not used as a source of drinking water at the Site, remediation of the groundwater was not part of the remedy. Also, bis (2-ethylhexyl) phthalate is a common contaminant associated with plastic and it may be related to plastic sampling equipment. Lastly, the compound was not detected in the prior groundwater sampling event at the property. Based on findings to date it appears that concentrations of TPH as gasoline, diesel, and oil are the only contaminants in the fill above established MTCA industrial/residential soil standards. The impacted soil was remedied in conjunction with the development of the property.

Alden attempted to collect samples from all four monitoring wells on the property, however, a sample could only be collected from one well (MW-3) because of insufficient recovery. Three

compounds: TPH diesel, TPH oil, and bis (2-ethyhexyl) phthalate were detected in the groundwater in MW-3. No other tested compounds were detected in samples at concentrations above the laboratory detection limits. The volatile organic compounds (VOCs) detected in previous sampling by Environmental Partners, Inc. (EPI) were not detected. It is worth noting that one of the two VOCs previously detected, acetone, is a common sampling contaminant. Only the TPH diesel and oil compounds were detected in both sampling events, albeit at lower concentrations in Alden's sampling event. No polyaromatic hydrocarbons (PAHs) were detected in groundwater that would indicate TPH contamination of a more serious nature. An explanatory sentence in the laboratory data indicates that the TPH as diesel and oil detected in groundwater are both indicative of a weathered product.

2.3 Cleanup Actions

Snyder Roofing purchased the property in the fall of 1998 and hired Catalyst to design and permit the Site and building construction. A building/grading permit was issued by Snohomish County Planning and Development Services (Project File #: 98-108940-LU) in the summer of 1999 and as a part of the project grading, some of the old fill was removed. Alden Environmental Services was on Site during the grading operation to inspect and evaluate the old fill as it was removed. During the course of the construction and Site work inspection, Alden Environmental, Inc., changed the name of their firm to Environmental Resource Management (ERM). The fill material was excavated as part of the property development because it was not suitable for supporting a building foundation and other Site improvements. During excavation activities, soils were evaluated for visual/olfactory evidence of petroleum. Those soils found to be impacted by petroleum were stockpiled on Site, with future remedial alternatives to be evaluated when the excavation was completed. Additionally, clearance samples were collected at the base of the excavations where contaminated soils were removed to ensure that removal of impacted soils is completed. During excavation activities, soil was evaluated for non-petroleum related impacts. Because of the nature of fill, the potential for unknown hazardous substances existed, however unlikely. The excavated materials were evaluated for obvious signs of contamination such as chemical odors, drums, and other hazardous material that would warrant special removal and disposal precautions. Since the quantity of excavated soil (20 cubic yards) in no way matches the estimated quantity (18,000 cubic yards) of landfilled material, it was assumed that not all contamination was removed, even though no particular remaining contamination was identified.

Ecology reviewed the report prepared by ERM and issued a "No Further Action" letter to Snyder Roofing, Inc. dated August 28, 2000, after a restrictive covenant was recorded with the county. As a condition of the "No Further Action" letter, the Department of Ecology requested that Snyder Roofing, Inc. conduct further groundwater monitoring until compliance with MTCA was shown. To comply with Ecology's request, Snyder Roofing again hired Catalyst to coordinate the monitoring and testing program. Catalyst arranged to have Cascade Drilling of Woodinville drill three borings May 16, 2001, in the locations requested by Ron Timm of Ecology. Catalyst also arranged to have Robin Hamlet of Earth Consultants, Inc. of Bellevue, Washington, on hand to oversee the borings and to take samples.

During the drilling process, each boring was continued to a depth of 35' below existing grade. No groundwater at all was encountered in any of the well borings. Soil samples were taken from

each boring for analysis and since no water was encountered in any hole, well casings were not installed and the borings were sealed to comply with State law. All soil samples were taken to CCI labs in Everett, Washington for lab analysis. The analytical results for all samples were non-detectable below thresholds for all compounds.

Ecology's Ron Timm provided a letter dated March 31, 2002 which agreed to the discontinuance of groundwater monitoring.

2.4 Cleanup Levels

Generally, properties that otherwise meet the definition of an industrial property cannot be classified as industrial if there is a residence within several hundred feet of the boundary of a property. Because the closest occupied residence was located approximately 750 feet away from the property boundary, the property appears to be classified as industrial. Based on our findings, the subject property appears to meet the definition of an industrial property under MTCA and as a result, the Method A cleanup levels for industrial soil may be applied to the Site. The Method A industrial and residential standard are the same for total petroleum hydrocarbons (TPH), the primary contaminant detected in Site soil, so no benefit results for TPH. Ecology's Interim Policy for TPH was used to calculate risk, not quite meeting unrestricted use standards after excavation, but well within commercial/industrial property uses. Additionally, a slight exceedance of cadmium was above unrestricted use but well below commercial/industrial use standards.

The TPH concentrations for groundwater have been compared to existing MTCA Method A groundwater standards. Because no published MTCA standard exists for bis (2-ethylhexyl) phthalate, the analytical results were compared to the EPA requirements for tap water. The concentrations of TPH diesel/oil in groundwater are below the published TPH Method A levels of 1,000 ppb.

2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2000 which imposed the following limitations:

Section 1.

1. Subsurface Activities. Subsurface fill material shall not be disturbed because the soil may be affected by potential or suspected contamination. Any activity which disrupts the subsurface fill material and causes any exposure of contaminated material and/or soils is strictly prohibited. The Owner shall guarantee the preservation of the surface facilities, such as buildings or parking lots, or surface fill material at the Property. In the event any subsurface material or soils at the Property be disturbed, through removal, repair, renovation, or any other action which may, might or could expose these materials and soils, the Department of Ecology shall be notified within thirty (30) days and appropriate action will be required as may be determined by the appropriate

regulatory body or agency. Some examples of activities that are prohibited include: drilling, trenching, utilities excavation, bulldozing or earthwork. Normal surface Snyder Roofing activities, such as landscaping or building maintenance, would not apply to these restrictions.

2. Notice Requirement for Change of Use. The property shall continue to be used for commercial or industrial land-use. Any change in the use of the premises shall require notice to the Department of Ecology for review of the proposed use of the property.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property Snyder Roofing shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, to take samples, to inspect Remedial Actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

The Restrictive Covenant is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on June 9, 2010, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The asphalt appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as a roofing company. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy, Site structures and asphalt surface, etc. prevent human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new scientific information for the contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The cleanup at the Site was governed by Chapter 173-340 WAC. WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH- Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

3.4 Current and projected Site use

The Site is currently used for commercial and industrial purposes. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

4.1 Next Review

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

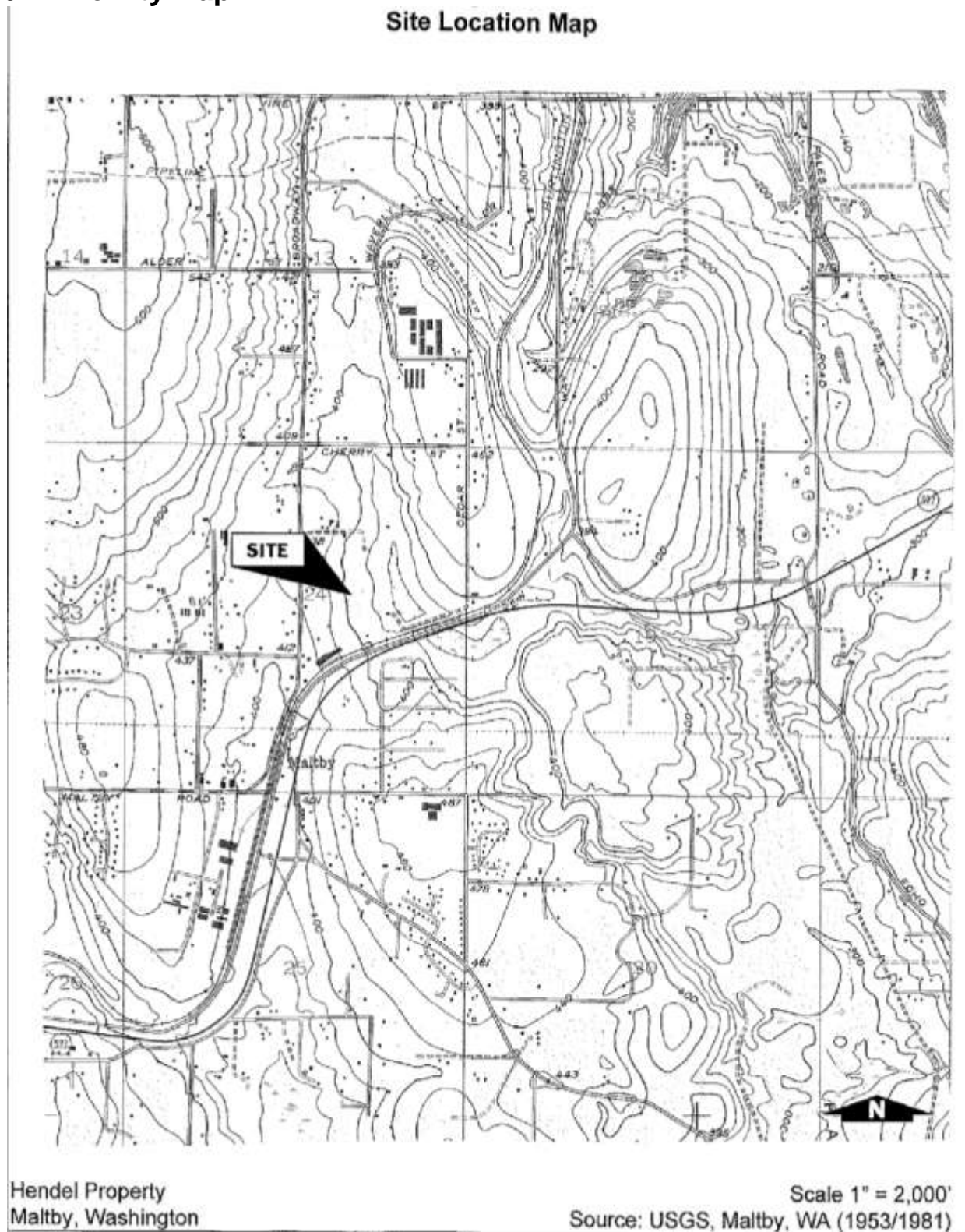
1. Memorandum by Environmental Partners, Inc. (EPI), Bellevue, WA., titled “Maltby Property Analytical Results: EPI Project No. 17302.0”, prepared for Cascade Drilling, Woodinville, WA., and dated July 3, 1997.
2. Letter by EPI titled Proposal for a Phase II Environmental Site Assessment, Maltby Property, Maltby, Washington”, prepared for Cascade Drilling, dated July 18, 1997.
3. Report by Nelson-Couvrette & Associates, Inc. (NCA), Woodinville, WA., titled “Preliminary Geotechnical Consultation Services: 5 Acre Fill Site - 20209 Broadway Avenue . Maltby, Snohomish County, Washington, NCA File No. 226898”, prepared for D. R. Hendel, and dated January 27, 1998.
4. Letter by Ecology titled “Request for Technical Assistance: Voluntary Cleanup Program - Hendel Property in Maltby”, prepared for Douglas R. Hendel, Mercer Island, WA., dated July 2, 1998.
5. Letter to Ecology by Alden Environmental Management, Inc. (AEMI) titled “Hendel Property, Rear of 20209 Broadway, Maltby, Snohomish County, Washington”, dated July 23, 1998.
6. Report by AEMI titled “Investigation Summary, Hendel Property, Maltby, Washington”, prepared for Douglas R. Hendel, Mercer Island, WA., and dated August 17, 1998.
7. Letter to Snohomish County Planning and Development Services, Commercial Section, by Ecology titled “Proposed Development at the Hendel Property, Property Adjacent to 20209 Broadway Ave., Snohomish (Maltby), WA. 98296”, dated September 14, 1998.
8. Memorandum by Environmental Resource Management (ERM), Bellevue, WA., titled “Hendel Property, Maltby, Washington”, prepared for Douglas R. Hendel, Mercer Island, WA., and dated March 20, 2000.
9. Report by Catalyst, titled “Water Quality Monitoring Report for Snyder Roofing, Inc.”, dated July 18, 2001.

2000 Restrictive Covenant.

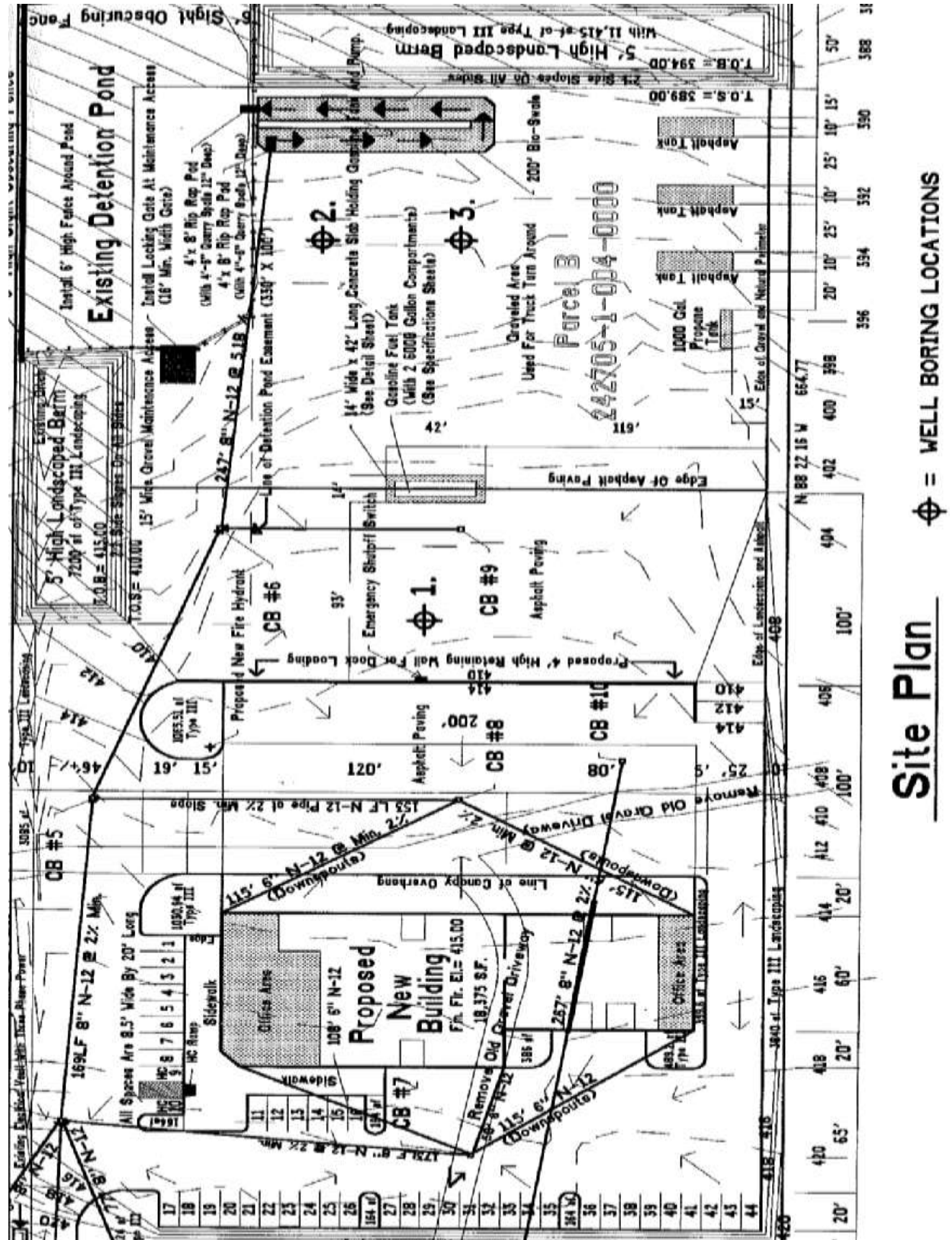
Ecology, 2010, Site Visit.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



6.3 TPH-Dx Concentration Map

not available

6.4 Environmental Covenant

Snyder Roofing
07/20/2000
Page 1

CONFORMED COPY
200008010278
08/01/2000 12:28 PM Snohomish
P.0010 RECORDED County

RESTRICTIVE COVENANT

James King and SNYDER ROOFING of Washington LLC

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by James King, its successors and assigns, as simple fee owners of the real property commonly referred to as 20203 Broadway Ave., Snohomish (Maltby), in the County of Snohomish, State of Washington, legally described in Exhibit "A" and made a part hereof by reference, and Snyder Roofing of Washington LLC (hereafter referred to as "Snyder Roofing"), a Washington corporation, as the present lessee/operator of the subject property, and the State of Washington Department of Ecology, its successors and assigns (hereafter referred to as "Ecology").

An independent remedial action (hereafter referred to as "Remedial Action") occurred at the property that is the subject of this restrictive covenant (hereafter referred to as "Restrictive Covenant"). The Remedial Action conducted at the property is described in the following documents:

1. Memorandum by Environmental Partners, Inc. (EPI), Bellevue, WA., titled "Maltby Property Analytical Results: EPI Project No. 17302.0", prepared for Cascade Drilling, Woodinville, WA., and dated July 3, 1997.

Snyder Roofing
07/20/2000
Page 2

2. Report by Nelson-Couvrette & Associates, Inc. (NCA), Woodinville, WA., titled "Preliminary Geotechnical Consultation Services: 5 Acre Fill Site - 20209 Broadway Avenue - Maltby, Snohomish County, Washington, NCA File No. 226898", prepared for D. R. Hendel, and dated January 27, 1998.

3. Letter by Ecology titled "Request for Technical Assistance: Voluntary Cleanup Program - Hendel Property in Maltby", prepared for Douglas R. Hendel, Mercer Island, WA., dated July 2, 1998.

4. Letter to Ecology by Alden Environmental Management, Inc. (AEMI) titled "Hendel Property, Rear of 20209 Broadway, Maltby, Snohomish County, Washington", dated July 23, 1998.

5. Report by AEMI titled "Investigation Summary, Hendel Property, Maltby, Washington", prepared for Douglas R. Hendel, Mercer Island, WA., and dated August 17, 1998.

6. Memorandum by Environmental Resource Management (ERM), Bellevue, WA., titled "Hendel Property, Maltby, Washington", prepared for Douglas R. Hendel, Mercer Island, WA., and dated March 20, 2000.

These documents are on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because the property may contain contaminated soils which may require soil remediation if such areas are disturbed. During the course of making certain capital improvements and Remedial Action, as provided for in Chapter 173-340 WAC, it was determined that the property historically had contaminated

Snyder Roofing
07/20/2000
Page 3

soil used on the site as fill material to change the surface grade. Remediation involved removal of discovered contaminated soil from the site. Since the location of all potentially contaminated fill material is not known, capital facilities or improvements, including uncontaminated surface fill material, on the property may cover contaminated materials or soil in the subsurface that should not be disturbed until properly investigated.

The undersigned, James King, are the simple fee owners of the real property commonly referred to as Snyder Roofing, at 20203 Broadway Ave., Snohomish (Maltby), in the County of Snohomish, State of Washington (hereafter referred to as "Property"), that is subject to this Restrictive Covenant. The Property is legally described in Exhibit "A" of this Restrictive Covenant and made a part hereof by reference.

James King, as owner, makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter

Snyder Roofing
07/20/2000
Page 4

referred to as "Owner"). Snyder Roofing consents and acknowledges, as operator of the Property, and as party to the Remedial Action, this Restrictive Covenant.

Section 1.

1. Subsurface Activities. Subsurface fill material shall not be disturbed because the soil may be affected by potential or suspected contamination.

Any activity which disrupts the subsurface fill material and cause any exposure of contaminated material and/or soils is strictly prohibited. The Owner shall guarantee the preservation of the surface facilities, such as buildings or parking lots, or surface fill material at the Property. In the event any subsurface material or soils at the Property be disturbed, through removal, repair, renovation, or any other action which may, might or could expose these materials and soils, the Department of Ecology shall be notified within thirty (30) days and appropriate action will be required as may be determined by the appropriate regulatory body or agency. Some examples of activities that are prohibited include: drilling, trenching, utilities excavation, bulldozing or earthwork. Normal surface

Snyder Roofing
07/20/2000
Page 5

activities, such as landscaping or building maintenance, would not apply to these restrictions.

2. Notice Requirement for Change of Use. The property shall continue to be used for commercial or industrial land-use. Any change in the use of the premises shall require notice to the Department of Ecology for review of the proposed use of the property.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property

Snyder Roofing
07/20/2000
Page 6

shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect Remedial Actions conducted at the property, and to inspect records that are related to the Remedial Action.

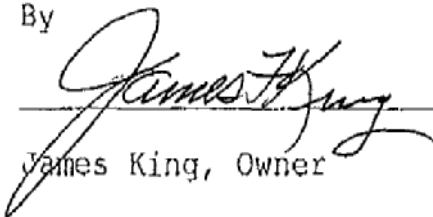
Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However,

Snyder Roofing
07/20/2000
Page 7

such an instrument may be recorded only if Ecology, after
public notice and opportunity for comment, concurs.

Dated at Tigard, Oregon, this 24th day of July, 2000.

By


James King, Owner

Consent and Acknowledgements to Declaration of Restrictive
Covenant:

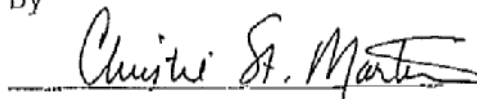
Snyder Roofing of Washington LLC Attest:

By


Tim Gardner

Its President

By


Christie St. Martin

Its Secretary

STATE OF WASHINGTON

COUNTY OF Snohomish

ss.

I certify that I know or have satisfactory evidence that TIM GARDNER is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the PRESIDENT of Snyder Roofing of Washington LLC, a Washington corporation, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 24 day of July, 2000.



[Signature]
(Signature of Notary)

B.A. GARDNER
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of
Washington, residing at Snohomish, WA

My appointment expires 2/28/03

STATE OF OREGON

COUNTY OF Washington

ss.

I certify that I know or have satisfactory evidence that JAMES F. KING is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the OWNER of Snyder Roofing of Washington LLC, a Washington corporation, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 24th day of July, 2000.

Bonnie J. Maple
(Signature of Notary)

BONNIE J. MAPLE
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of
Oregon, residing at PORTLAND, OREGON

My appointment expires 11-27-03



EXHIBIT A

DESCRIPTION:

THE EAST HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24,
TOWNSHIP 27 NORTH, RANGE 5 EAST W.M., IN SNOHOMISH COUNTY,
WASHINGTON.

6.5 Photo log

Photo 1: Front of the business now occupying the property



Photo 2: Paved area -



Photo 3: Unpaved area



Photo 4: Green Roof Building –

